IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 12088 AND 12089 OF 2004

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WRIT PETITION NO.12088 OF 2004

Between:

Kothalanka Satya Nageshwara Sarma, S/o Late K. Veerabhadra Sarma, R/o Matsyapuri village, Veeravasaram Mandal, West Godavari District.

..... PETITIONER

AND

1 The Regional Joint Commissioner, Multi Zone-I, Endowments Department, Kakinada, West Godavari District.
2 The Assistant Commissioner of Endowments Department, Office at Eluru, West Godavari District.
3 The Executive Officer/Person-in-Management, Sree Uma Agasteswara Swamy Temple, Matsyapuri (V), Veeravasaram (M), West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of "Writ of Mandamus" declaring the action of the 3rd respondent not implementing directions of the 1st respondent issued through vide proceeding No. D. Dis. No. A2/15258-6/2003, Adm. dt. 17-12-2003, as illegal, arbitrary, high handed violative of Article 19 (1) (G) and also violative of instructions issued by the Commissioner of Endowments vide Rc.No. L2/63873/2001, dt. 4-12-2001, and also violative of the Principle of Legitimate Expectation, consequentially direct the respondents to resume my Archaka land of 2 acres 8 cents in Sy.No. 310, Matsyapui village, Veeravasaram mandal, West Godavari District,

WRIT PETITION NO : 12089 of 2004

Between:

Kothalanka Veeravenkata Narasimha Murthy S/o Late K. Agastyeswar Rao, Sree Uma Agasteswara Swamy Temple R/o. Matsyapuri Village, Veeravasaram Mandal, West Godavari District

..... PETITIONER

AND

1 The Regional Joint Commissioner, Multi Zone-I Endowments Department, Kakinada, West Godavari District.
2 The Assistant Commissioner of Endowments-Department, Office at Eluru, West Godavari District
3 The Executive Officer/Person-in-Management, Sree Uma Agasteswara Swamy Temple, Matsyapuri (V), Veeravasaram (M), West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in depriving the petitioner's livelihood as illegal, arbitrary, high handed violative of Article 19(1)(G) and also violative of instructions issued by the Commissioner of Endowments vide Rc. No. L2/63873/2001, dt 4-12-2001, and also violative of the principle of Legitimate Expectation, consequentially direct the respondents to resume my Archaka Land of 2 acres 8 cents in Sy. No. 310, Matsyapuri Village, Veeravasaram Mandal, West Godavari District.

Counsel for the Petitioner:MR.UNNAM.MURALIDHAR RAO (in both the writ petitions)

Counsel for the Respondents 1 and 2: GP FOR ENDOWMENTS (In both the writ petitions)

Counsel for the Respondent No.3 (in W.P.NO.12088/04): N.INDRAM

The Court made the following :

COMMON ORDER:-

Heard both the learned counsel and at their request, the main writ petitions are taken up for disposal.

Petitioner in these two writ petitions, who claim to be the Archaka, filed these writ

petitions, inter alia, seeking writ of Mandamus for implementation of the orders passed by first respondent- Regional Joint Commissioner of Endowments Department dated 17-12-2003. Pending writ petition, they also sought for interim directions to consider their representation.

Learned Standing Counsel appearing on behalf of the respondents submitted that the said representations were considered and ultimately orders have been passed on 4-5-2004 rejecting the petitioner's claim.

Considering the submissions made on either side and on perusal of the material on record, I am of the view that the petitioners have to challenge the said order dated 4-5-2004 in the appropriate forum for their remedy.

Accordingly, these two writ petitions are dismissed with a liberty to the petitioners to avail their remedy under law. Learned Standing counsel now served the copy of the order dated 4-5-2004 to the learned counsel for the petitioner. No costs.

2—09—2004.

Stv/-

To

1 The Regional Joint Commissioner, Multi Zone-I Endowments Department, Kakinada, West Godavari District.
2 The Assistant Commissioner of Endowments-Department, Office at Eluru, West Godavari District
3 2CCs to the Government Pleader for Endowments, High Court Buildings, Hyderabdad.

4 2CD copies.

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